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2012 JUN 13 AM 10:35

**DEPT OF COURT RECORDS
CRIMINAL DIVISION
ALLEGHENY COUNTY PA**

**IN THE COURT OF COMMON PLEAS OF ALLEGHENY COUNTY, PENNSYLVANIA
CRIMINAL DIVISION**

COMMONWEALTH OF PENNSYLVANIA,

Docket No.: CC 2012-2821

OTN: G 5477032

v.

MATTHEW EBO

**PETITION FOR NOMINAL BOND
PURSUANT TO PA. R. CRIM. P.
RULE 600 (E)**

Petitioner.

The Honorable Beth Lazzara

Filed on Behalf of Defendant:
Matthew Ebo

Counsel of Record:
Randall H. McKinney, Esq.
PA I.D. No. 209003

ORIGINAL

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**IN THE COURT OF COMMON PLEAS OF ALLEGHENY COUNTY, PENNSYLVANIA
CRIMINAL DIVISION**

COMMONWEALTH OF PENNSYLVANIA,

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v.

MATTHEW EBO,

Petitioner.

PETITION FOR NOMINAL BOND PURSUANT TO PA. R. CRIM. P. 600

AND NOW, here comes Matthew Ebo, by and through his counsel, Randall H. McKinney, Esquire and files the within Petition for Nominal Bond Pursuant to Pa. R. Crim. P. 600(E), and in support thereof, avers as follows:

1. The within case was scheduled for jury selection on Monday, June 11, 2012, with trial to begin on Tuesday, June 12, 2012.
2. The Commonwealth indicated that three necessary witnesses were unavailable for trial.
3. The Commonwealth presented no evidence that it exercised due diligence in this matter as to the three unknown witnesses and asked for additional time to locate witnesses.
4. Petitioner's Pre-Trial Conference was held on April 27, 2012, meaning, the Commonwealth had approximately forty-five days to prepare and make available essential witnesses for trial.
5. Undersigned counsel notified Allegheny County Pretrial Services: Bail Unit, that a hearing on Petitioner's bail status would be heard on June 13, 2012.

6. Petitioner avers that his 180th day runs on or about June 17, 2012 in this matter.
7. At all times relevant, Petitioner has been available and ready for trial. Petitioner objected to the Commonwealth postponement, which was granted on June 8, 2012, over Petitioner's objection.
8. Petitioner's right to a speedy trial is guaranteed under the U.S. Constitution as fundamentally secured by the Sixth Amendment, Eighth Amendment, and Fourteenth Amendment's Due Process Clause.
9. To give effect to the fundamental right to a speedy trial, the Pennsylvania Supreme Court promulgated Pa. R. Crim. P. 600 (formerly Rule 1100). Rule 600 provides in pertinent part:


Rule 600: Prompt Trial
(A)(2) Trial in a court case in which a written complaint is filed against the defendant, when the defendant is incarcerated on that case, shall commence no later than 180 days from the date on which the complaint is filed
(E) No defendant shall be held in pre-trial incarceration on a given case for a period exceeding 180 days, excluding from the time [for excludable delay under paragraph (C)]. Any defendant held in excess of 180 days is entitled upon petition to immediate release on nominal bail.
10. Rule 600 was adopted "to give 'practical effect of the United States Supreme Court's observation that the state courts could pursuant to their supervisory powers, establish 'fixed time period[s]' within which cases must normally be brought." *Com. v. Terfinko*, 474 A.3d 275, 278 (Pa. 1984), quoting *Com. v. Hamilton*, 297 A.2d 127, 130 (Pa. 1970). Additionally, "a primary purpose of Rule [600] is to prevent prejudice to the appellant in the preparation of his defense." *Com. v. Demarco*, 481 A.2d 632 (Pa. Super. 1984), quoting *Hamilton*, supra.
11. Petitioner is severely prejudiced by the delay, if it results in his continued incarceration.
12. Petitioner is not a flight risk. He is a life-long resident of Allegheny County with strong ties to the community
13. Petitioner has never been convicted of a crime of violence or aggression.

14. Petitioner does not represent a threat to the community and would abide by all bond conditions set by this Honorable Court.

WHEREFORE, Petitioner, Matthew Ebo, through counsel, respectfully requests that this Honorable Court grant the within Petition for Nominal Bond Pursuant to Pa. R. Crim. P. 600(E).

Respectfully submitted:

June 13, 2012


Randall H. McKinney, Esq.
PA I.D. No. 209003

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COMMONWEALTH OF PENNSYLVANIA,

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v.

MATTHEW EBO,

Petitioner.

ORDER OF COURT

AND NOW, to wit, this _____ day of _____, 2012, upon
consideration of the foregoing Petition for Nominal Bond Pursuant to Pa. R. Crim. P. 600(E), it
is hereby ORDERED, ADJUDGED, and DECREED that:

BY THE COURT:

Beth Lazzara, Judge

CERTIFICATE OF SERVICE

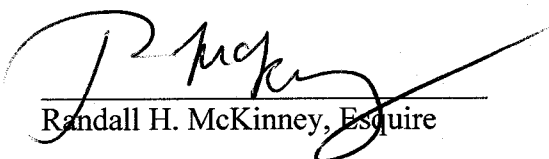
I, Randall H. McKinney, Esquire, hereby certify that on this 13 day of June 2012, I caused to be served a true and correct copy of the foregoing Defendant's Petition for Nominal Bond Pursuant to Pa. R. Crim. P. 600(E), was served, by hand delivery, upon the following parties:

The Honorable Beth Lazzara
Allegheny County Courthouse, 5th Floor
Pittsburgh, Pennsylvania 15219

Ms. Helen Lynch
Court Administrator
Allegheny County Courthouse, 5th Floor
Pittsburgh, Pennsylvania 15219

ADA Steve Stadtmiller
Allegheny County District Attorney's Office
Allegheny County Courthouse, 4th Floor
Pittsburgh, Pennsylvania 15219

Allegheny County Pretrial Services: Bail Unit
564 Forbes Avenue, 4th Floor
Pittsburgh, PA 15219



Randall H. McKinney, Esquire